

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  BROADBAND DIGITAL TECHNOLOGIES, INC.	DOCKET NOS. TCU-00-51 WRU-00-63-3493
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**ORDER APPROVING APPLICATION, CONCURRENCE IN MAPS,  
AND GRANTING WAIVERS**

(Issued September 29, 2000)

On August 25, 2000, Broadband Digital Technologies, Inc. (BDTI), filed an application for issuance of a certificate of public convenience and necessity, pursuant to Iowa Code § 476.29 (1999), stating its intention to provide statewide facilities-based and resold local exchange services. Initially, BDTI proposes to offer only data service in the exchanges served by Qwest Corporation, f/k/a U S WEST Communications, Inc., by Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, successor to GTE Midwest Incorporated, and Frontier Communications of Iowa, Inc. The application has been identified as Docket No. TCU-00-51. BDTI states that it will adopt the maps of the exchanges of the three incumbent local exchange carriers where it proposes to provide service. In addition, BDTI has provided the qualifications of its company officers and financial statements.

Iowa Code § 476.29(2) (1999) provides that the local exchange carrier shall not be denied a certificate if the Utilities Board (Board) finds that the applicant "possesses the technical, financial, and managerial ability to provide the service it proposes to render and the board finds the service is consistent with public interest."

The Board has reviewed the information provided and finds that BDTI has demonstrated the necessary technical, financial, and managerial ability to provide local exchange service. The Board finds that it is consistent with the public interest to approve the application.

BDTI also states that its service area will mirror the service territory of the three incumbent local exchange carriers and concurs in their exchange and service area maps. Iowa Code § 476.29(4) requires that each certificate define the service territory in which land-line local telephone service will be provided and authorizes the Board to promulgate rules establishing requirements for filing maps showing the service territory. Subrule 199 IAC 22.20(3) requires that all utilities have on file with the Board maps, which show exchange boundaries. The Board finds that BDTI has complied with the statutory and rule requirements by concurring in the maps of the three incumbent local exchange carriers.

BDTI has requested that the Board waive the requirements of 199 IAC 16.5(2), 18.2, and 22.3(2). The waiver requests were identified as Docket No. WRU-00-63-3493.

BDTI requested a waiver of 199 IAC 16.5(2), which requires the keeping of records according to the uniform system of accounts. BDTI states that it employs an accounting system in accordance with generally accepted accounting principles (GAAP). The Board finds that this waiver should be granted, since records kept in accordance with GAAP accounting are acceptable for a competitive local exchange service provider.

BDTI has requested that the requirements of 199 IAC 18.2 be waived. The rule requires that a regulated public utility keep its records in Iowa. The Board will grant the waiver based upon the statement of BDTI that it will make the records available to the Board upon request.

BDTI also requested the Board waive 199 IAC 22.3(1), requiring it to independently publish a directory. The Board will grant this waiver since BDTI does not have a sufficient number of customers to warrant publishing a directory. The Board will require that BDTI provide for the publishing of customer listing in the local directory.

BDTI states that it will only be providing data service at first and, therefore, did not adopt the 2-PIC methodology for intraLATA and InterLATA dialing parity. BDTI has not filed proposed tariffs for Board approval setting out the service and rates for providing local exchange service. The Board finds that a certificate should not be issued to BDTI until it has approved tariffs and the 2-PIC methodology is adopted.

**IT IS THEREFORE ORDERED:**

1. The application for a certificate of public convenience and necessity filed by Broadband Digital Technologies, Inc., on August 25, 2000, is approved, subject to the requirements that follow.

2. The Board will issue a certificate of public convenience and necessity allowing Broadband Digital Technologies, Inc., to provide facilities-based and resold local exchange service upon approval of tariffs to reflect the prices, terms, and conditions of local exchange service in Iowa, and the adoption of the 2-PIC methodology for intraLATA and interLATA dialing parity. At the time Broadband

Digital Technologies, Inc., files proposed tariffs with the Board, it must give notice to all affected local exchange carriers.

3. The concurrence in the maps and boundaries of the exchanges of Qwest Corporation, f/k/a U S WEST Communications, Inc., Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom, successor to GTE Midwest Incorporated, and Frontier Communications of Iowa, Inc., is approved.

4. The waiver of 199 IAC 16.5(2), 18.2, and 22.3(2) are granted as described in this order.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary, Deputy

/s/ Diane Munns

Dated at Des Moines, Iowa, this 29<sup>th</sup> day of September, 2000.